

**UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION**

BENJAMIN LEWIN,	)	
	)	
Plaintiff,	)	
	)	
-vs-	)	
	)	
JANE C. MANTHEI,	)	
	)	
Defendant.	)	

**COMPLAINT**

**INTRODUCTION**

1. This is a civil action seeking monetary damages against Defendant for her acts or omissions driving an automobile, causing a crash with an automobile operated by Plaintiff and causing physical and emotional injury to the Plaintiff.

2. Plaintiff demands trial by jury.

**PARTIES, JURISDICTION AND VENUE**

3. Plaintiff is a citizen of the State of Illinois.

4. Defendant is a citizen of the State of Florida.

5. The amount in controversy exceeds \$75,000, exclusive of interest and costs, in light of the subject automobile crash having caused multiple and diverse injury to the Plaintiff, now 24-years-old, including but not limited to, herniation of discs of the lumbar spine and cervical spine, and medical expenses exceeding \$18,000, and future medical expenses.

6. This Court holds jurisdiction pursuant to 28 U.S.C. § 1332.

7. The cause of action arises from the Defendant's acts or omissions in Kane County, Illinois, causing the automobile crash in Elgin, Illinois, making the Northern District of Illinois the proper venue.

**COUNT I - NEGLIGENCE**

1.-7. Plaintiff re-alleges and incorporates by reference the allegations contained in paragraphs 1 through 7 above as if fully set forth herein.

8. On or about September 17, 2019, the Plaintiff BENJAMIN LEWIN was operating an automobile in a northbound direction along and upon Randall Road at or near Hopps Road, within the City of Elgin, Kane County, Illinois.

9. At said time and place, the Defendant JANE C. MANTHEI was operating an automobile in a northbound direction along and upon Randall Road behind the automobile operated by the Plaintiff.

10. At said time and place, the Plaintiff BENJAMIN LEWIN brought his automobile to a complete, gradual stop in his lane of travel due to traffic stopped ahead.

11. At said time and place, the Defendant JANE C. MANTHEI drove the front end of her automobile into the rear end of Plaintiff's stopped automobile.

12. At said time and place, it was the duty of the Defendant JANE C. MANTHEI to exercise ordinary care in the operation of a motor vehicle to avoid placing others in danger.

13. At said time and place, the Defendant JANE C. MANTHEI acted or failed to act in one or more ways as follows:

- a. Operated a motor vehicle without due regard for other vehicles on the roadway;
- b. Operated a motor vehicle at a rate of speed too fast for road and traffic conditions;

- c. Operated a motor vehicle without maintaining sufficient control of the vehicle;
- d. Failed to stop her motor vehicle to avoid a collision; and
- e. Failed to keep a proper lookout for other vehicles along the roadway.

14. As a direct and proximate result of one or more of the foregoing acts of omissions, the Defendant's automobile collided with great force with Plaintiff's automobile, causing the Plaintiff to sustain physical injury and emotional distress. This injury has caused the Plaintiff to experience physical pain, emotional distress, and to become disabled. As a proximate cause of the Defendant's acts or omissions, the Plaintiff has incurred medical expense for necessary medical care and treatment and may incur future medical expense for this injury. As a proximate cause of the Defendant's acts or omissions, the Plaintiff has been disabled and unable to perform normal life activities, among other damages. As a proximate cause of the Defendant's acts or omissions, the Plaintiff has sustained permanent injury.

WHEREFORE, the Plaintiff BENJAMIN LEWIN prays for monetary damages against the Defendant JANE C. MANTHEI in an amount in excess of \$75,000 plus the costs of this action and any such other relief deemed just.

Dated September 2, 2021

Respectfully submitted,

s/ Gregory J. Olmstead  
One of Plaintiff's Attorneys

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